

DECISION



P. Belmont
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

8231

FILE: B-193235

DATE: November 2, 1978

MATTER OF: St. Clair Rubber Company

DIGEST:

Protest concerning small business size status of bidder is not for consideration by GAO since by law it is matter for decision by Small Business Administration.

St. Clair Rubber Company (St. Clair) protests the size status of the apparent low bidder, East Wind Industries, Inc. (East Wind), as a small business concern eligible for the 50-percent small business set-aside provided for in the Defense Logistics Agency's solicitation No. DLA100-78-R-0835. The protester submits that East Wind and/or its subcontractors are ineligible for the prospective award of the set-aside portion of the solicitation since they do not qualify as small business concerns and that St. Clair should receive the award.

Under 15 U.S.C. § 637(b)(6) (1976), as amended by section 501 of Public Law 95-89, approved August 4, 1977, the Small Business Administration is empowered to conclusively determine small business size status for Federal procurement and sales purposes. This is exclusively a matter for SBA resolution and is not for consideration by our Office. United States Certification Bureau, Inc., B-192564, August 18, 1978, 78-2 CPD 136.

Accordingly, the protest is dismissed.

Paul G. Dembling
for Paul G. Dembling
General Counsel